

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk / 954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: June 3, 2009 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the June 3, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): June 3, 2009 minutes

**TOWN OF DAVIE
REGULAR MEETING
JUNE 3, 2009**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting. Vice-Mayor Crowley was absent.

Councilmember Caletka made a motion, seconded by Councilmember Luis, to excuse Vice-Mayor Crowley. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Paul gave her condolences to Councilmember Caletka for his father's passing, and a moment of silence was observed in his memory.

3. OPEN PUBLIC MEETING

James Armstrong, president of Davie United Soccer Club, explained that the Club was a non-profit club and 65% of their participants were Town residents. He stated that they sought a home field for their upcoming season, and requested a field rental discount such as that given to other sports clubs in Town. Mayor Paul advised Mr. Anderson to confer with Parks and Recreation Director Dennis Andresky, who would bring something to Council for approval. Councilmember Starkey suggested the sports team make a recommendation on this budget issue to the Parks and Recreation Advisory Board.

Donna Friedwald said that she had been informed that the lacrosse and football teams had received a 50% field rental reduction, and Mr. Andresky had advised that they should appeal directly to Council regarding a discount on the soccer fields. Field rental this year would increase from \$550 to \$700, which Ms. Friedwald felt was excessive. They were seeking the same discount offered other programs, with a guaranteed field.

Robert Calder stated that there was standing water in the Hiatus Road area where he lived, and according to his research, the problem was the S-13A lock at Nob Hill. Mr. Shimun advised that this was the responsibility of the Water Management District. Councilmember Starkey said that the C-11 canal was under federal control, and she had met recently with Shannon Estanos with the South Florida Water Management District, who requested residents call her with their concerns. Mayor Paul asked Councilmember Starkey to provide Mr. Calder with contact information for Ms. Estanos.

Caryl Casey-Hattan announced that the Woman's Club would host a Mad Hatter Tea on June 7th and prizes would be awarded for the best hats. She advised that she was also a member of the Parks and Recreation Advisory Board, which had toured the Town's parks the previous weekend. Ms. Casey-Hattan urged everyone to make use of the Town's parks.

Arthur Joseph asked Council to create a resolution to re-initiate the assault weapons ban of 1994. He believed in the right to bear arms, but was concerned about the use of assault weapons to attack law enforcement officers and civilians. Mr. Joseph intended to take his request to other municipalities in Broward County, and to submit it to Congresswoman Debbie Wasserman Schultz, Florida Senators Mel Martinez and Bill Nelson, and President Obama.

Mr. Joseph was concerned that residents were overloading their trash bins. He suggested sending out a flyer advising residents of trash collection rules, and/or instructing trash collectors to red-tag bins that were too full.

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Bob Love and Neal Kalis, co-chairs of the Davie Economic Development Council, announced two events. The first was "Understanding the Stimulus Bill: What it Means to You," which was free to the public and would be held at the Police Department on June 10th. The second was the Broward Alliance Development Conference on June 25th and the topic was "Creative Development Tools for a New Economy." The Davie Economic Development Council had sponsored a display booth to promote the Town at the event. Councilmember Starkey recommended at least one member of Council should be present at the booth for the duration of the event.

Terry Rand was concerned about flooding in her neighborhood. She remembered that after Hurricane Irene her house had been uninhabitable for three weeks. Ms. Rand presented photos of her neighborhood depicting the flooding problems. Mayor Paul advised Ms. Rand to speak with Public Works Director Manny Diez. Councilmember Starkey requested Ms. Rand's phone number.

Councilmember Caletka withdrew item 4.9 from the Consent Agenda.

Mayor Paul advised that staff had requested tabling item 6.1 to June 17.

Councilmember Caletka made a motion, seconded by Councilmember Luis, to table item 6.1 to June 17. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Paul stated that item 10.1 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Caletka to add item 10.1. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 April 15, 2009 (Regular Meeting)
- 4.2 May 6, 2009 (Workshop Meeting)
- 4.3 May 6, 2009 (Special Executive Session)
- 4.4 May 6, 2009 (Regular Meeting)

Home Business Tax Receipts

- 4.5 Century Roofing, 14480 SW 16 St.
- 4.6 Coats and Tails A Grooming Affair, 11210 SW 49 Pl.
- 4.7 Frank E Longfield, 1901 SW 112 Ave.
- 4.8 Team Forrest, 11651 SW 21 Pl.

Resolutions

- 4.9 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE CONSTRUCTION OF I-595 PRIVATE REVERSIBLE EXPRESS, OR "LEXUS LANES," THAT HAVE BEEN AUTHORIZED FOR CONSTRUCTION BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT). (tabled from May 20, 2009)

- 4.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2009-124 BID AWARDED BY WSCA CONTRACT #S1523 TO SPRINT SOLUTIONS INC.
(\$44,600/yearly savings)

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- 4.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-2009-125 BIDS AWARDED BY THE STATE OF FLORIDA CONTRACT # 250-040-08-01 AND
NASPO/WSCA CONTRACT # A63307 FOR DESKTOP COMPUTERS. (\$136,900)
- 4.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-126 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
INTERNATIONAL DATA DEPOSITORY TO PROVIDE OFF-SITE RECORD
STORAGE SERVICES. (\$13,000/yearly)
- 4.13 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-127 WAIVING FORMAL BIDDING AND AUTHORIZING THE MAYOR TO ENTER
INTO AN AGREEMENT FOR A THREE (3) YEAR AGREEMENT WITH
ADVANCED DATA PROCESSING, INC. TO PROVIDE EMS BILLING SERVICES,
WHICH INCLUDES A REDUCTION OF THE COLLECTION RATE OF ALL
MONIES COLLECTED, EXCLUDING AMOUNTS COLLECTED FROM FLORIDA
MEDICAID. (\$110,000).
- 4.14 **INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2009-128 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN
INTERLOCAL AGREEMENT WITH THE CITY OF LAUDERHILL, CITY OF
PLANTATION AND THE CITY OF TAMARAC FOR JOINT COVERAGE,
AUTOMATIC AND MUTUAL AID OF FIRE RESCUE SERVICES; PROVIDING
FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE
- 4.15 **INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2009-129 FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY SHERIFF'S
OFFICE LAW ENFORCEMENT MUTUAL AID AGREEMENT FOR TRAFFIC
ENFORCEMENT.
- 4.16 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE TOWN
OF DAVIE AND DRAGADOS USA, INC., FOR UTILITY WORK IDENTIFIED AS I-
595 ROADWAY IMPROVEMENTS PROJECT; AND PROVIDING FOR AN
EFFECTIVE DATE.
- 4.17 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2009-130 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO AN AGREEMENT BETWEEN BROWARD COUNTY, THE TOWN OF
DAVIE, AND THE DEVELOPER (LIVING WATERS ESTATES, LLC) FOR THE
CONSTRUCTION OF ROAD IMPROVEMENTS RELATED TO THE LIVING
WATERS ESTATES PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR
AN EFFECTIVE DATE. (Living Waters Estates Developer's Agreement: DA 4-1-09,
14801 SW 23rd Street)

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- 4.18 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-131 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT REGARDING A GRANT OF EASEMENT BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE BENEFIT OF THE TOWN OF DAVIE AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.19 **CDBG ACTION PLAN AMENDMENT** - A RESOLUTION OF THE TOWN OF=
R-2009-132 DAVIE FLORIDA ADOPTING A SUBSTANTIAL AMENDMENT TO THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2008/09 ACTION PLAN TO RECEIVE THE TOWN'S AMERICAN REINVESTMENT RECOVERY ACT (ARRA) CDBG ALLOCATION OF \$171,629; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE SUBSTANTIAL AMENDMENT DOCUMENTS WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AUTHORIZING REFORMATTING OF THE SUBSTANTIAL AMENDMENT IF REQUESTED BY HUD; AUTHORIZING SUBMISSION OF THE SUBSTANTIAL AMENDMENT TO FY 2008/09 CDBG ACTION PLAN TO HUD; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.20 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2009-133 AUTHORIZING THE EXPENDITURE OF \$14,938.70 FOR THE PURCHASE OF A 2009 POLARIS RANGER XP LE BLACK METALLIC RECREATIONAL UTILITY VEHICLE FOR THE SPECIAL OPERATIONS UNIT OF THE DAVIE POLICE DEPARTMENT FROM BROWARD MOTORSPORTS.
- 4.21 **INTERCITY RAIL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-134 REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA
- 4.22 **TRANSIT SYSTEM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2009-135 REQUESTING THAT THE FLORIDA LEGISLATURE ESTABLISH A DEDICATED FUNDING SOURCE TO SUPPORT THE EXPANSION OF THE REGIONAL TRANSIT SYSTEM BY THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.23 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 06-1225 FROM \$178,000.00 IN AMOUNT TO \$143,410.98; AND PROVIDING AN EFFECTIVE DATE.

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Quasi-Judicial Consent Agenda

4.24 SPM 12-5-08, Emerald Isle Estates, generally located at Emerald Isle Way and SW 130 Avenue (A-1) *Site Plan Committee recommended approval with the following comments: 1) that the petitioner add the dimension for the by-pass lane which should be 14-feet and should be verified with the Fire Department; 2) add pipe bollards at the back side of the guard house to help protect the structure from turning trucks; 3) that this be noted as a "non-manned" gate house; and 4) to protect the existing trees as indicated in the landscape plans.*

Councilmember Caletka pulled items 4.16 and 4.23. Councilmember Starkey pulled items 4.19 and 4.20.

Councilmember Caletka made a motion, seconded by Councilmember Luis, to approve the Consent Agenda less items 4.16, 4.19, 4.20 and 4.23. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Paul requested that item 9.1 be heard next.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to hear item 9.1 next. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.16 Councilmember Caletka said that he and Mr. Shimun had gone to Tallahassee to meet with the Governor's staff and they had been invited to meet with the Secretary of Transportation. He requested tabling this item until Council's next meeting.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to table this item to Council's next meeting.

Councilmember Starkey felt that Council should also consider laying the re-use water purple pipe as part of the project, and recommended a resolution to amend the Town ordinance to add this. Staff agreed.

In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

4.19 Mr. Shimun confirmed for Councilmember Starkey that all of the facilities that would receive monies were owned by the Town.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

4.20 Councilmember Starkey asked if any Gators would remain, and what would happen to the one they already had. Police Chief Patrick Lynn explained that the old Gator had been auctioned off. Councilmember Luis said that the Police Department had told him that this vehicle was four-wheel-drive, very efficient and was needed on the trails.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

4.23 Councilmember Caletka said that a representative for the owner was interested in meeting with him, and he requested that Mr. Stallone be present as well.

Councilmember Caletka made a motion, seconded by Council member Luis, to table to the next meeting. In a voice vote, with Vice-Mayor Crowley absent, all voted in favor. (Motion carried 4-0)

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6. PUBLIC HEARING

Resolution

- 6.1 **CAPITAL PROJECTS BUDGET** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2010-2014.

This item was tabled earlier in the meeting.

Ordinance - First Reading (Second and Final Reading to be held June 17, 2009)

- 6.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE UTILITIES CODE, CHAPTER 25, BY ADDING ARTICLE IV, PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-33 ENFORCEMENT OF PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-34 DEFINITIONS; SECTION 25-35 MANDATORY PRE-EXCAVATION PROCEDURES; SECTION 25-36 EXEMPTIONS; SECTION 25-37 EXCAVATION IN THE ABSENCE OF UNDERGROUND FACILITIES MARKINGS BY MEMBER OPERATORS; SECTION 25-38 EXCAVATION PROCEDURES AND INSTALLATION OF FACILITIES; SECTION 25-39 NOTIFICATION UPON CONTACT; SECTION 25-40 ENFORCEMENT BY CIVIL VIOLATION PROCESS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from May 20, 2009)

Mr. Rayson read the ordinance by title. Mayor Paul announced that a public hearing on the ordinance would be held on June 17, 2009.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis asked that this item be tabled. He said that he had been contacted by a major contractor, who said that he did not like the idea of exposing the pipe. Councilmember Luis recommended a meeting with staff and developers to discuss this and try to come up with a better solution. Councilmember Starkey supported this and suggested the meeting take place between now and the second reading.

Councilmember Starkey made a motion to approve.

Councilmember Caletka suggested tabling the item. Mr. Rayson said that Utilities was interested in moving this item along, and noted that the item had already been tabled once. He felt there would be sufficient time to meet with the contractor before the second reading. Mr. Shimun reminded Council that if they tabled this item, the first reading would be on June 17th and there would be no other Council meeting until July 29.

Mayor Paul seconded Councilmember Starkey's motion to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - absent; Councilmember Caletka - no; Councilmember Luis - no; Councilmember Starkey - yes. (Motion tied 2-2; automatically tabled to June 17, 2009)

7. APPOINTMENTS

- 7.1 Mayor Paul

- 7.1.1 Green Energy and Environmental Committee (one exclusive appointment - terms expire April 2010)

Mayor Paul appointed David Weinberg.

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7.2 Vice-Mayor Crowley

7.2.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

No appointments were made.

7.3 Councilmember Luis

Councilmember Luis appointed Joe Valenzuela to the Fire Pension Board.

7.3.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

No appointments were made.

7.3.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.3.3 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

No appointment was made.

7.4 Councilmember Starkey

7.4.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

Councilmember Starkey appointed Don Burgess and Maxine Calloway.

7.4.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.4.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (member should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Starkey appointed Bernie Osborne.

8. OLD BUSINESS

There was no old business to be discussed.

9. NEW BUSINESS

9.1 President's Volunteer Service Award - Mayor Paul

Earlier in the meeting, Mayor Paul presented the President's Volunteer Service Award to Vincent St. John. She explained that Mr. St. John had a program called Soldiers' Angels, which was a nationwide support group dedicated to soldiers on and off the battlefield. Mayor Paul read a portion of a letter from Special Operations Command in Africa commending Mr. St. John on his work.

Mr. St. John stated, "Every freedom that we have is attributed to sacrifices from soldiers past and present." He hoped to motivate others to join him in his volunteer work.

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9.2 Presentation on Plastic Bottles - Councilmember Starkey

Councilmember Starkey gave a presentation regarding the negative environmental, economic and health effects of water bottles.

Mayor Paul announced that the information regarding the Florida Cities 83rd Annual Conference had been received and she was concerned about the costs to attend. She recommended that if more than one person attended, expenses should be shared. Councilmember Starkey advised that she served on the Florida League of Cities Board of Directors and the conference was “in conjunction with the Board of Directors of the Florida League of Cities” and she was obligated to attend. She stated that she would be attending; however, the Florida League of Cities would not cover her expenses. Mayor Paul stated that she would have liked to attend but it was too much of an expense for more than one person to attend unless costs were shared. Mr. Shimun said that he would probably attend for his on-going training to become credentialed. Councilmember Caletka indicated that the conference was too far in the future to make a determination on his attendance.

10. SCHEDULE OF NEXT MEETING

Mr. Muniz asked Council to confirm that they had received the notification of the joint workshop meeting regarding plans for the new Town Hall.

11. MAYOR/COUNCILMEMBER’S COMMENTS

COUNCILMEMBER CALETKA

WINN DIXIE SITE. Councilmember Caletka wanted to consider purchasing the Winn Dixie site with the Open Space Bond money. He requested that this issue be placed on Council’s next agenda.

USAGE OF BOND MONEY. Councilmember Caletka asked if bond money could be used to improve the landscaping in Pine Island Ridge right-of-ways to satisfy the annexation agreement requirement. Mr. Rayson said that the bond language was expansive and agreed to look into this issue. Councilmember Caletka asked that this matter be included on the next agenda.

Councilmember Starkey suggested using the trees from I-595 in Pine Island Ridge. Mr. Diez explained that the I-595 trees must be moved within 30 days, but the irrigation system on Pine Island Ridge and Orange drive was not ready for new trees. He added that staff already had places they planned to plant the I-595 trees. Mr. Diez recommended another plan be brought forward for Pine Island Ridge.

CONDOLENCES. Councilmember Caletka thanked everyone else who had reached out to support him after his father’s passing.

COUNCILMEMBER LUIS

148 MEDIAN ACCIDENTS. Councilmember Luis said that he had heard from a resident that his fence had been struck three times in the last year after striking the Town’s grassy median. He asked if the Town could erect a warning sign. Mr. Diez suggested they obtain warrants so Broward County would recognize the sign.

WAVERLY PARK. Councilmember Luis believed Waverly Park needed a shade tree as well as the I-595 trees. Mr. Diez said that this was possible, but it would be a young tree.

EMERGENCY FLASHER USE. Councilmember Luis had been alerted by three citizens that drivers were using their cars’ emergency flashers in the rain. Police Chief Patrick Lynn said that this was common; however, the police did not encourage it.

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COUNCILMEMBER STARKEY

5-K RUN. Councilmember Starkey stated that she had discussed the South Broward Realtors' desire for a 5-K charity run in January to start at Robbins Lodge with Joyce Stuart. However, they had "hit a snag" in their discussions and asked staff to continue working with them. Mr. Shimun advised that the problem was that the Realtors wanted roads blocked off, which would require Town and police personnel to work overtime.

SPEEDING ON 26 STREET. Councilmember Starkey wanted to reduce the speed on 26th Street and 10th Street. Residents had complained for some time about a speeding problem in this area.

MAYOR PAUL

SENATE BILL 360. Mayor Paul provided a summary of Senate Bill 360 as it applied to Broward County. She noted that the report mentioned SHIP funding and mobile or manufactured homes as eligible housing, but there was no funding included in the State budget.

THANKS. Mayor Paul thanked Public Works Operations Supervisor Floyd for helping to lower many of the Town's flags to half-staff on Memorial Day.

LIBERTY PARK DEDICATION. Mayor Paul reminded everyone that Liberty Park would be dedicated on Monday, June 15th.

PUBLIC MEETINGS REGARDING WATER INCREASE. Mayor Paul announced that the Utility Advisory Committee was holding public meetings regarding the water increase. She advised residents to consult the Town website for dates.

DARE PROGRAM. Mayor Paul stated that she had received several hundred signatures from Hawkes Bluff Elementary and Davie Elementary Schools requesting that the DARE program be saved. She hoped that the Sheriff's application for a grant would be approved because he had promised that if he received this grant, the Town's three officers would be put back in the schools. Mayor Paul agreed to provide residents with names and phone numbers of people to contact regarding the funding request.

12. TOWN ADMINISTRATOR'S COMMENTS

UNITED WAY REQUEST. Mr. Shimun reported there had been a request from United Way for support for their burn grant through the Florida Department of Law enforcement that required Council's approval. He advised that Mayor Paul could sign the request after tonight's meeting. Later in the meeting, Council indicated that they had no objection to Mayor Paul signing the letter of support for United Way.

TOWN HALL ROOF LEAKS. Councilmember Starkey asked about the leaks at Town Hall and the status of repairs. Mr. Shimun said that the roof was currently being repaired. Mr. Diez estimated that it would take two weeks to put a new roof on Town Hall and after that, they would move onto the other two buildings on the campus. He anticipated that all the buildings would be re-roofed in a month or so. Councilmember Starkey believed that this was a serious health issue and no one should be working in the building when it was in this condition. Mayor Paul wanted to determine if the insurance would pay for an interior cleaning crew once the roofing was complete.

13. TOWN ATTORNEY'S COMMENTS

WESTWAY TOWING. Mr. Rayson advised that he had contacted Westway Towing at Council's behest and had suggested dates for a meeting. He then received a letter from Westway stating they did not want to meet and wanted to cancel the relationship effective immediately. Mr. Rayson stated that he

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had learned that Westway was delinquent in its franchise agreement with the Town. He advised that he had spoken with Westway's attorney and reached an accord with them whereby they would bring the franchise agreement completely into compliance and the Town would release them from the contract when a new contractor was approved by Council. At that point, the Town would also return their performance bond. Mr. Rayson added that Procurement Manager Herb Hyman had subsequently begun negotiations with the top-ranked firm.

Mr. Hyman advised that he had met with A & B Towing, and was assured that if things did not work out with Westway they would be willing to begin immediately. Mr. Hyman said that if the Town wanted A & B to complete the three years and seven months remaining on the contract, they would offer the Town the \$200,000 franchise fee that Westway had been paying. If the Town wanted to begin a new five-year contract, A & B would pay a franchise fee of \$230,000, which was what they had originally bid.

Councilmember Luis made a motion, seconded by Councilmember Caletka, to enter into a 5-year contract with A & B Towing, and for A & B to pay a \$230,000 franchise fee.

Councilmember Starkey asked if there would be a problem coordinating efforts with FHP since Westway had the contract with them as well.

Roy Baezin, A & B Towing, clarified that Westway did tow for FHP but not on the I-595 zone in Davie and explained that that FHP had several towing companies on rotation. He advised that his company also towed for many municipalities near Davie.

In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Mr. Hyman stated that he could either bring the contract back to Council at the next meeting for the Mayor to sign, or Council could agree to allow him to present the contract to the Mayor to sign outside of a Council meeting.

Councilmember Luis made a motion to authorize Mr. Rayson to negotiate the contract without bringing it back to Council. The motion died due to the lack of a second.

Councilmember Starkey wanted the contract to come back to Council. Mr. Hyman felt Mr. Baezin would work without a signed contract until Council approved it. Mr. Baezin confirmed he would start the contract anytime.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:48 p.m.

Approved_____

Mayor/Councilmember

Town Clerk